GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Motor Vehicles - Amendment to Andhra Pradesh Motor Vehicles Rules, 1989 by incorporating a new Rule 471(A)-Prohibition against release of motor vehicle involved in accident without valid third party insurance policy – Final Notification – Issued.

TRANSPORT, ROADS & BUILDINGS (TR.I) DEPARTMENT

G.O.MS.No. 36 Dated: 17-09-2019

Read the following:

1. Order of the Hon'ble Supreme Court of India in Civil Appeal No(s). 9936-9937 of 2016, dated 26.03.2018 & 13.09.2018
2. From the Transport Commissioner, A.P., Vijayawada Letter No. TRB03-18021/18/2018-ROAD SFT SEC, dated:13/08/2018.
3. G.O.Ms.No.63 of Transport, Roads & Buildings (Tr.I) Dept. dated:29.11.2018
4. From the Transport Commissioner, A.P., Vijayawada Letter No. TRB03-18021/18/2018 MV Act & Tax dated:28.02.2019

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ORDER

The Hon'ble Supreme Court in Civil Appeal No (s) 9936-9937 of 2016 between Usha Devi & Anr. Vs Pawan Kumar & ors., has issued directions, while referring to a rule in the Delhi Motor Accident Claims Tribunal Rules, that all State Governments shall enact such a rule to ensure that any vehicle seized with reference to a road accident involving in a death or serious injury shall not be released by any court without proof of proper third party insurance of the said vehicle and to ensure that justice is done to accident victims for getting compensation.

2. In order to comply with the said orders of the Hon'ble Supreme Court, the draft amendments to the Andhra Pradesh Motor Vehicles Rules, 1989 was issued proposing to incorporate a new Rule as 471(A) – "Prohibition against release of motor vehicle involved in accident" as required by section (1) of section 212 of the Motor Vehicles Act, 1988 (Act No. 59 of 1988) a preliminary notification issued in G.O.Ms.No. 63, Transport, Road & Buildings (TR.1) Department, dated 29.11.2018 and published in part-1 Extraordinary of the Andhra Pradesh Gazette No.924 dated 30.11.2018 inviting objections / suggestions from any person with respect to the said draft amendment before expiry of the period of fifteen (15) days.

3. The objections or suggestions received from the public in respect of said draft rules have been considered by the State Government.

4. Government after careful consideration of the matter have decided to amend the Andhra Pradesh Motor Vehicles Rules, 1989 by incorporating a new Rule 471(A) after rule 471 of Andhra Pradesh Motor Vehicles Rules, 1989.

5. The following notification will be published in the Extra-ordinary issue of the Andhra Pradesh Gazette, dated:19.09.2019.

FINAL NOTIFICATION

In exercise of the powers conferred under section 176(e) of the Motor Vehicle Act, 1988 (Central Act No.59 of 1988), the Government of Andhra Pradesh hereby make the following amendment to the Andhra Pradesh Motor Vehicle Rules, 1989 and published at pages 1-315 of the Rules supplement part-I, Extraordinary issue

of the Andhra Pradesh Gazette dated 25.08.1989 as subsequently amended from time to time and a preliminary notification was issued in G.O.Ms.No.63, Transport, Road & Buildings (TR.1) Department, dated 29.11.2018 and published in part-1 Extraordinary of the Andhra Pradesh Gazette No.924 dated 30.11.2018 for general information as required as follows,-

AMENDMENT

After Rule 471 of the Andhra Pradesh Motor Vehicles Rules, 1989 the following Rule shall be inserted, namely:-

"471 (A) - Prohibition against release of motor vehicle involved in accident without valid third party insurance policy:-

i) No court shall release a motor vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the name of registered owner, unless and until the registered owner furnished sufficient security to the satisfaction of the court which is equivalent to the value of the seized vehicle involved in such accident.

ii) Where the motor vehicle is not covered by a policy of insurance against third party risks, the motor vehicle shall be sold off in public auction by the magistrate having jurisdiction over the area where accident occurred, on expiry of three months of the vehicle being taken in possession by the investigating Police Officer, and proceeds thereof shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident."

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.T.KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationery & Stores Purchases, Andhra Pradesh, Vijayawada (He is requested to publish the Notification in the Extra-ordinary issue of Andhra Pradesh Gazette dated:19.09.2019 and send 200 copies to the Government)
The Transport Commissioner, A.P., Pandit Nehru Bus Station, Vijayawada.
The Director General & Inspector General of Police, Andhra Pradesh, Vijayawada.
The Director of Information & Public Relations, Andhra Pradesh, Vijayawada.
Copy to:
The Law (H) Department, A.P.Secretariat, Velagapudi
The PS to Principal Secretary to Chief Minister, A.P.Secretariat, Velagapudi
The P.S to Minister for Transport, A.P.Secretariat, Velagapudi
The P.S to Principal Secretary to Government, T, R&B Department,
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER